

## REMARKS

In the Office Action mailed June 22, 2005, claims 1-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki et al. (U.S. Patent No. 6,650,491B2; hereinafter "Suzuki") in view of the Admitted Prior Art "APA". The foregoing rejection is respectfully traversed.

Claims 1, 11 and 13 have been amended for clarification purposes. Support for claim amendments can be found at paragraph [0031] of the specification. Claims 1-14 are pending and under consideration.

The APA discusses an off-track retry method whereby in operation S106, a head is forced to be offset from either side of the centerline of a desired track by a predetermined distance in order to determine whether data is read correctly. That is, whether the data has been read correctly is determined based upon the result of reading data from places offset either side off the centerline of a desired track in '+' and '-' directions by a predetermined off-track amount (see paragraph [0013] of the Specification).

The APA fails to discuss "extracting read gain characteristics while varying an off-track amount, measuring an off-track amount at a place where the read error has occurred, based upon the read gain characteristics, and reading data using the measured off-track amount" as recited in amended claim 1 (see FIG. 1).

Suzuki discusses a Read/Write offset method including recording a test pattern by a write head in each of a plurality of tracks to be measured, which are selected from among the tracks in the disk recording medium and measuring an amplitude at each tracking position in a vicinity of a data sector where a read data error occurs (see column 3, lines 24-31, and column 4, lines 37-38). Suzuki also fails to discuss "extracting read gain characteristics while varying an off-track amount, measuring an off-track amount at a place where the read error has occurred, based upon the read gain characteristics, and reading data using the measured off-track amount," as recited in amended claim 1.

Instead, in Suzuki, amplitudes are measured at specific tracks within a vicinity of the read error. That is, Suzuki fails to vary the off-track amount and to measure the off-track amount where the read error occurs.

At page 3 of the Office Action, the Examiner admits that Suzuki fails to discuss all of the features recited in claim 1. However, the Examiner asserts that the APA makes up for the deficiencies of Suzuki. The Applicants respectfully disagree based upon the reasons mentioned

above. Therefore, the combination of Suzuki and the APA fails to establish a prima facie case of obviousness over the present invention.

Independent claims 11 and 13 have been amended to recite similar limitations as recited in amended claim 1.

Moreover, dependent claims 2-7, 9-10, 12 and 14 recite patentably distinguishing features of their own. For example, claim 9/8 recites "measuring the off-set track amount at a location wherein a read error occurs comprises extracting read gain characteristics while varying the off-track amount, and determining an off-track direction and a degree based upon the read gain characteristics".

Withdrawal of the foregoing objections and rejections is respectfully requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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